



Tajikistan

Country Reports on Human Rights Practices - [2004](#)

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Tajikistan is ruled by an authoritarian government, which has established some democratic institutions such as, a constitution and a multiparty political system that includes legally registered opposition parties. President Emomali Rahmonov and an inner circle of loyal supporters continued to dominate the Government. Parliamentary elections in February 2000 were neither free nor fair. The Constitution provides for an independent judiciary; however, it was subjected to political pressure from the executive branch, and corruption was a serious problem.

Stability throughout the country continued to increase, as it has each year since the end of the country's 5-year civil war in 1997. The Ministries of Interior, Security, and Defense share responsibility for public order, internal security, and intelligence. The security forces are under full control of the Government and report to the President. Members of the security forces committed serious human rights abuses, including torture, during interrogation.

The economy was in transition from a state-controlled system to a market-based one. The country's population was approximately 6.5 million. Most of the work force was engaged in agriculture, which remained partly collectivized. The country remained extremely poor. Despite 7 years of sustained economic growth, an estimated 57 percent of the population lived below the poverty line. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 7 percent during the year. The official unemployment rate was 10 percent; however, international organizations active in country estimated that the actual unemployment rate was approximately 34 percent. Narcotics trafficking through the country and pervasive corruption throughout society continued to be serious problems. The combination of the two exacerbated income disparities between the majority of the population and a small number of former pro-government and opposition warlords who controlled many of the legal, and most of the criminal, sectors of the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens' right to change their government remained restricted. Security forces tortured, beat, and abused detainees and other persons and were also responsible for threats, extortion, and abuse of civilians. Prison conditions remained harsh and life threatening. A few prisoners died of hunger. From January until September, the International Committee of the Red Cross (ICRC) had access to prisons controlled by the Ministry of Justice (MOJ). At year's end, the ICRC was negotiating with the MOJ to regain access to all prisons.

Impunity and lengthy pretrial detention remained problems. Authorities used torture to obtain confessions, which were routinely accepted as evidence in trials without qualification. The Government continued to restrict freedom of speech and freedom of the press. Journalists practiced self-censorship to avoid problems with the authorities, and there were some instances of violence against journalists by unidentified persons. There were some restrictions on freedom of religion, primarily for women, and the government arrested persons alleged to be members of a banned extremist Islamist political organization. The Government continued to deny the registration of two opposition political parties amid allegations that authorities made politically motivated arrests. Some international democracy, nongovernmental organizations (NGOs) faced government harassment and registration problems. Violence and discrimination against women, and trafficking in persons remained problems. Trafficking in women and children was a serious problem, which the Government took significant steps to address. Child labor was a problem, and there were some instances of forced labor, including children.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Unlike the previous year, there was no significant progress in investigating political killings that occurred during the 1992-97 civil war and more recent killings linked to the war (see Section 1.d.). Local and international observers questioned the objectivity of ongoing investigations by a special Ministry of Interior unit into killings that occurred during the civil war.

Unlike 2003, no deaths were reported due to land mines in the Karetegin Valley, where both the Government and the opposition had laid land mines during the civil war. During the year, the Government completed demining of the valley. However, there were some reported land mine deaths on the Tajik-Uzbek border. The Government has made demining the area a priority and, to prevent additional Tajik deaths and casualties, worked with international organizations during the year to remove land mines along the border that were laid by Uzbekistan.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that government security officials employed them.

Torture occurred during the year, though to a lesser extent than in 2003. Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings to extort confessions, torture, sexual abuse, and electric shock during interrogations. During the year, several persons alleged to be members of Hizb ut-Tahrir, an extremist Islamist political organization, and members of their families claimed that they were tortured and beaten while in police custody (see Sections 1.d. and 2.b.). One person said the beating resulted in permanent hearing loss.

Beatings and mistreatment were also common in pretrial detention facilities, and the Government took minimal action against those responsible for the abuses (see Section 1.d.). In May 2003, following the arrest and detention of Shamsiddin Shamsiddinov, deputy chair of the opposition Islamic Revival Party of Tajikistan (IRP), authorities allegedly beat him and used electric shock torture (see Section 1.e.).

In the southern regions of the country, citizens made numerous complaints of harassment and abuse committed by some border guards who were involved in drug trafficking. Afghan refugees also alleged continued harassment and mistreatment by law enforcement authorities (see Section 2.d.).

In July 2003, according to two international human rights groups, nine high-ranking police and Interior Ministry officials in Sughd Province were convicted of using torture to force confessions from falsely accused suspects. They were sentenced to 3 to 7 years in jail.

Prison conditions remained harsh and life threatening for an estimated 7,000 to 10,000 incarcerated persons. Prisons were generally overcrowded, unsanitary, and disease-ridden. The spread of tuberculosis was a serious problem, and there were reports that a few prisoners died of hunger. According to the law, family members were allowed access to prisoners only after indictment. However, family members of prisoners sentenced to death were neither told the date of the execution nor allowed access to the prisoner's effects until the sentence was carried out. On May 10, President Rahmonov signed a moratorium on the death penalty.

There was one prison that held only former members of so-called "power ministries," such as the police, intelligence and secret officers, and the military. Men and women were held separately, and juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners.

From January to September, the ICRC was allowed access to prisons controlled by the MOJ, including pretrial detention centers. At year's end, the ICRC and the MOJ were in negotiations to regain access to all of the MOJ's prisons. During the year, local NGOs also made prison visits on behalf of the Organization for Security and Co-operation in Europe (OSCE); however, the NGO visitors submitted to Government conditions.

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. The law, which is an amended holdover from the Soviet era, allows for lengthy pretrial detention, and there are few checks on the power of prosecutors and police to make arrests.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. The Government acknowledged that police and security forces were corrupt and that most citizens who were abused chose to remain silent rather than risk retaliation by authorities.

The Ministries of Interior, Security, and Defense shared responsibility for internal security. The Ministry of Interior is primarily responsible for public order, the Ministry of Security has responsibility for intelligence, and the Ministry of Defense is responsible

for military security.

Police may detain persons without a warrant for up to 72 hours. Prosecutors are empowered to detain persons for 10 days, after which time charges must be filed, and this was generally followed in practice. Following indictment, the law allows for pretrial detention of up to 15 months. The first 3 months of detention are at the discretion of a local prosecutor; the next 3 months must be approved at the regional level. The Prosecutor General must approve longer periods of detention, and the Government generally followed this in practice.

All investigations must be completed 1 month before the 15th month of detention to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. There is no bail system; however, in criminal cases detainees may be conditionally released and restricted to their place of residence pending trial. Officials occasionally denied attorneys and family members access to detainees. At year's end, many of the persons detained during the year were held incommunicado for long periods of time and remained in police custody without being charged.

In most cases, security officers, principally from the MOI and the Ministry of Security, did not obtain arrest warrants and did not bring charges within the time specified by the law. Persons released from detention often claimed that they were mistreated, beaten, and tortured (see Section 1.c.).

During the year, authorities made politically motivated arrests. For example, on August 27, a deputy chairman of the Progress Party of Tajikistan was arrested for libeling the President, and there were reports that the Government illegally detained other members of rival political factions.

According to media reports, approximately 70 members of Hizb ut-Tahrir (Party of Islamic Liberation) were arrested during the year. Of that number, about 50 were sentenced in connection with crimes related to their membership in the banned extremist political organization, which calls for the overthrow of secular governments and establishment of a theocratic Islamic state or Caliphate throughout the Muslim world (see Sections 1.c. and 2.b.).

In 2003, authorities arrested and charged a number of persons for crimes committed against journalists during the civil war. They remained in detention together with other detainees who had not been formally charged. Some of the detainees were held incommunicado.

Muhummadruzi Iskandarov, head of the Democratic Party of Tajikistan, was detained in Moscow on December 9th at the request of the Tajik Prosecutor General's office. He was detained on multiple charges, some of which may be politically motivated.

There was no reliable estimate of the number of political detainees because until recently, the law precluded visits to pretrial detention centers operated by the authorities.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, courts and judges were subject to political pressure from the executive branch and criminal networks, and corruption and inefficiency were problems.

Problems with judicial integrity continued; however, during the year, the Government took steps to improve the overall situation and to address problems by holding judges accountable and by arresting some of the most corrupt judges and prosecutors. In October, a deputy prosecutor and three judges were convicted of corruption.

The President is empowered to appoint and dismiss judges and prosecutors with the consent of Parliament. Judges at the local, regional, and national level were generally poorly trained, lacked understanding of the concept of an independent judiciary, and had extremely poor access to legal reference materials and other resources. Low wages for judges and prosecutors left them vulnerable to bribery, which remained a common practice.

The Government took steps to improve the quality of judges and used written and oral examinations to screen out unqualified candidates. In addition, the Council of Justice began a judicial training program to improve technical knowledge of the judicial sector.

The judicial system is composed of city, district, regional, and national courts, and there are parallel economic and military court systems. Higher courts serve as appellate courts for lower ones. There also is a Constitutional Court that reviews citizens' claims of constitutional violations. The law provides for the right to appeal; however, there were few reports of appeals because citizens generally did not trust the court system.

Trials are public, and juries are used, except in cases involving national security or the protection of minors. The law stipulates that a case must be brought before a judge within 28 days after it is entered for trial; however, most cases were delayed for months at a time (see Section 1.d.). Under the law, courts appoint attorneys at public expense; however, in practice, arrested

persons often were denied timely access to an attorney, and some were not allowed access to any legal counsel.

Prosecutors are responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and attorney have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

MOJ officials maintained that defendants benefit from the presumption of innocence, despite an unmodified Soviet-era statute that presumes guilt rather than innocence. In practice, an indictment implied that the Government was convinced of a suspect's guilt, and Government officials routinely made public, pretrial statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings to coerce evidence, including confessions to obtain an admission of guilt (see Section 1.c.). Such evidence was routinely used in trials without qualification.

In rare instances, military courts try civilians, who have the same rights as defendants in civilian courts. A military judge and two officers drawn from the service ranks hear such cases.

There was little official information about criminal court procedures and the number of political prisoners; however, credible international and local sources estimated that approximately 100 former opposition fighters of the United Tajik Opposition remained in prison after the civil war despite two general amnesties in 1998. Controversy over which crimes the amnesties covered delayed resolution of the cases. However, following a government review of the cases, most were determined to be appropriately jailed for grave crimes; others were released.

In January, following a partially closed trial, a closed session of the Military Board of the Supreme Court sentenced Shamsiddin Shamsiddinov, a deputy chair of the opposition IRP, to 16 years in prison for organizing an armed group and illegally crossing the border. Both crimes were covered under the 1998 post-war amnesties. While in pretrial detention, he was allegedly abused and denied access to counsel (see Section 1.c.). The IRP maintained that the trial and sentencing were politically motivated to discredit the party.

In April, another top IRP official, Qosim Rakhimov, was sentenced to 9 years' imprisonment on charges of statutory rape, which some observers considered politically motivated, but which most credible sources considered plausible.

From January to September, the ICRC was allowed access to political prisoners and prisons controlled by the MOJ. At year's end, the ICRC was negotiating with the MOJ to regain access to all MOJ prisons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, while there were some violations by police forces, in practice, authorities generally respected the prohibitions.

Police cannot enter and search a private home without the approval of a prosecutor, except in special, compelling circumstances in which a delay caused by obtaining a warrant would impair national security. If police search a home without prior approval, they must inform a prosecutor within 24 hours; however, police frequently ignored these laws and infringed on citizens' right to privacy. There is no independent judicial review of police searches conducted without permission.

Family members of persons alleged to be members of Hizb ut-Tahrir, an extremist Islamist political group, claimed that they were mistreated and beaten while in police custody (see Sections 1.c., 1.d and 2.b.).

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions (see Section 1.c.).

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and citizens who disagreed with government policies on occasion were subjected to intimidation and discouraged from speaking freely or critically.

The Government's methods of control and intimidation of non-governmental media included: Barring access to state-owned printing presses, "warnings" made by telephone and in person at a prosecutor's office or during visits to editorial offices, restricting broadcast licenses, selective tax inspections, and increased scrutiny of relatively independent publications and television and radio stations.

The Government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities and subsidized a large majority of publications and broadcast productions. However, the number of independent and local newspapers continued to increase during the year, several of which were affiliated with political parties or blocs.

Most persons in the country obtained news and information from radio, particularly in rural areas. There were an estimated 309 print media outlets, 17 private television stations and 4 radio stations in the country. During the year, the Government did approve a value added tax (VAT) exemption for print media but continued to look at other measures to promote local media. International media were allowed to operate freely, including rebroadcasts of Russian television and radio programs.

There was one government-run television network; its local affiliates covered regional and local issues only from the Government's point of view. Its signal reached most of the country, except for the most remote areas, and an estimated 90 percent population watched it. The Government also added television transmitters in the Rasht valley to increase viewership of state-run television.

Opposition politicians had limited access to state-run television; however, it continued to broadcast a series of political party debates. Of the 17 private television stations, only a handful were genuinely independent, and not all of them operated at the same time. Some of the independent stations had their own studio facilities and broadcast equipment, but most depended on government-owned transmission equipment to broadcast their programs. However, the Government did not interfere with their broadcasts.

In contrast to 2003, the Government reversed moves to relax pressure on the media. According to international observers and media monitoring groups, the reversal was part of the Government's effort to consolidate power and influence in advance of parliamentary elections scheduled for February 2005.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. To obtain a broadcast license, individuals must apply to the Ministry of Communications and the State Television and Radio Committee. At every stage of the process, there were high official and unofficial fees. The process of obtaining a license sometimes took years. Those who were denied licenses were allowed to reapply; however, there was no formal appeals process.

Journalists on occasion were subjected to harassment and intimidation, sometimes perpetrated by government authorities. During the year, Mavluda Sultonzoda, a correspondent for the opposition newspapers Nerui Sukhan and Ruzi Nav, faced harassment and received death threats for writing an article that questioned the sources of Rahmonov's wealth and influence. In July, Rajabi Mirzo, outspoken editor-in-chief of Ruzi Nav, was severely beaten by unknown assailants near his home in Dushanbe. The government launched an investigation into the attack, but there were no developments by year's end.

In August, the Government closed down Jiyonkhon, an independent printing press that published two opposition newspapers, Ruzi Nav and Nerui Sukhan, for alleged tax violations by Nerui Sukhan. Ruzi Nav appealed to the government-owned publishing house to resume publishing, but the appeal was denied. Afterwards, Ruzi Nav's editor contracted with an independent printing house in Kyrgyzstan, to print the newspaper. However, in November, authorities confiscated the first edition upon its arrival into the country. This situation led to publishing difficulties for other newspaper. For example, Odamu Olam, a new independent political and social newspaper that began publishing during the year, had difficulty finding a printing house willing to risk publishing its controversial material. Other independent newspapers faced similar difficulties.

The law affirms the right to free speech, and interfering with a journalist's work is a crime; however, journalists reported that government officials improperly limited their access to information or provided "friendly advice" on what news should not be covered. Fearing reprisals and the kind of violence committed against journalists during the civil war, editors and reporters often exercised self-censorship. Under the law, a person can be imprisoned for up to 5 years for insulting the President. The few publications that published articles highly critical of the Government subsequently experienced harassment or ceased publishing, particularly before major political events.

Unlike in previous years, the Government did not block access to Internet sites.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government at times restricted this right in practice.

Registered organizations must apply for a permit from a local executive committee to organize any public assembly or demonstration. Permits were usually granted; however, on occasion, the Government retaliated against organizers. Fear of reprisal was so widespread that public protests or political demonstrations were rare.

In June, the Progress Party of Tajikistan (PPT) was denied a permit to organize a demonstration to protest the MOJ's refusal to register the PPT (see Section 3). Party officials said the Government's rejection of their registration application was arbitrary and politicized. At year's end, the Prosecutor General had instituted libel cases against the chairman and deputy chairman of the

PPT.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. There were strict controls over organizations involved in political activities, and registration requirements for non-political groups, like trade unions and NGOs, were cumbersome. According to the law, all NGOs must register with the MOJ. The approval and verification process is slow and bureaucratic; however, in 2001 the Government lowered registration fees for NGOs, which led to an increase in the number of local NGOs. According to a recent survey, there were approximately 2,000 locally registered NGO's in the country.

During the year, the Government monitored the activities of religious institutions and groups to prevent them from becoming overtly political. Some individuals, such as members of the banned extremist Hizb ut-Tahrir organization, were arrested and sentenced to long prison terms for subversion and other crimes. Others remained in detention awaiting trial or sentencing (see Sections 1.c. and 1.d.).

The Government's concern about Islamic fundamentalism among the country's Muslim population prompted it to ban Hizb ut-Tahrir, which was alleged to have links with terrorist organizations. The group has a significant following among the ethnic Uzbek population in the north and a growing following in the south.

According to the Ministry of Security, 60 Hizb ut-Tahrir activists were arrested during the year, of whom 6 were sentenced to jail terms ranging from 6 months to 15 years. However, according to media reports, 70 members were arrested, and all were convicted on charges of active membership in the organization, failure to report criminal activity, distribution of extremist literature, inciting religious hatred, and seeking to disrupt constitutional order (see Section 1.d.).

In January and April, two senior IRP officials were sentenced to long prison terms for criminal offenses (see Section 1.e.). The IRP alleged that the convictions were politically motivated to discredit the party and not an abuse of religious freedom. However, local and international observers said the two cases exemplified how the authorities can subject members of Islamic groups and the political opposition to pressure.

During the year, several international democracy NGOs faced registration problems and increased scrutiny, which made it difficult for them to operate (see Section 4).

The Government refused to register two political parties during the year (see Section 3).

c. Freedom of Religion

The Constitution provides for freedom of religion; however the Government imposed some restrictions.

The country is a secular state and the Government did not explicitly ban, prohibit, or discourage specific religions from practicing their beliefs; however, the law requires all religious communities to be registered by the State Committee on Religious Affairs (SCRA). According to the Government, registration helps to ensure that religious groups act in accordance with the law; however, in practice, it sometimes was used as a means to control their political and religious activity.

Islam is the majority religion, and the government promoted respect for traditional Islam, however, it viewed extremist Islamist groups as a threat to national security (see Section 2. b.).

In May 2003, local authorities prosecuted and fined two members of the Jehovah's Witnesses in Tursunzade for teaching religion without a license and meeting in an unlicensed place of worship. Although the community of Jehovah's Witnesses was registered in Dushanbe with the SCRA, the local court ruled that they also had to register at the local level. By year's end, the case remained unresolved, despite several attempts by the Jehovah's Witnesses community to register their ministry with authorities in Tursunzade.

Unlike in previous years, no mosques were closed and no imams were removed by the SCRA. In July 2003, the SCRA and Sughd government officials conducted "training" for all imams in the region. Two imams were removed and 2 mosques were closed for improper registration. In 2002, 15 imams in the Sughd region were removed, 3 of who were members of the IRPT. Local observers alleged that the Government used the training and testing process as a means to silence certain politically outspoken religious figures.

The Government continued restrictions on pilgrims undertaking the hajj during the period covered by this report, mandating that pilgrims travel by air. The Government stated that it made the decision because no tour operators in the country could meet Saudi government safety and hygiene regulations for buses carrying pilgrims and to ensure that the instability in Iraq would not put pilgrims at risk. There were no quotas on the total number or regional origin of pilgrims. A total of 5,000 citizens made the pilgrimage (out of a Saudi-imposed limit of 5,900), which was an increase of 2,000 compared with the previous hajj.

Some regional and local interior departments refused to issue internal identification documents to women who refused to be photographed without the hijab. The SCRA intervened when cases were brought to its attention to allow those women to obtain

documents.

Authorities at times restricted other Muslim religious activities. For example, government printing houses are prohibited from publishing texts in Arabic and generally did not publish religious literature; however, they did so in special cases, including copies of the Koran in Arabic script. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place because of political concerns.

Missionaries of registered religious groups were not legally restricted and proselytized openly; however, the Government's fear of Islamic extremism prompted it to restrict visas for Muslim missionaries. Some Mullahs spoke out against women attending mosques, despite support from some Islamic scholars and several mosques for them to attend. The Government indicated that religious instruction should not take place at home, which could deprive many women of access to religious practice.

Unlike in the previous year, the country's small Baha'i community generally did not experience harassment or discrimination.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposed some restrictions.

Both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. However, the restriction was not always enforced along the western part of the border with Afghanistan, although a special visa was required for travelers--including international workers and diplomats--to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border that was closed intermittently by Uzbekistan during the year. Diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required. Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

Unlike in the previous year, border guards in the northern regions did not routinely subject travelers to degrading searches for narcotics.

Foreign travelers wishing to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at a local Ministry of Interior office upon arrival and departure. However, these regulations were generally not enforced in practice.

There are no laws that provide for exile, and there were no reports of forced exile; however, some Government opponents remained in self-imposed exile in Russia.

There are no legal restrictions on changing residence or workplace, and there is no law on emigration. However, persons wishing to emigrate to countries of the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport, and persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interest section of the nearest Russian embassy or consulate. According to a report by a local research organization, more than 600,000 persons left the country during the year to seek employment; the vast majority went to Russia.

Most persons who left the country were permitted to return freely; however, some persons active with the Tajik opposition who left during the civil war, experienced administrative difficulty in obtaining new documents to replace expired ones that would permit them to return. The Government provided protection and modest assistance to resettle any citizens who returned voluntarily and cooperated with international organizations in the process.

The Constitution provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. Under the law, a person granted refugee status has the right to work and to move freely throughout the country. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

According to the UNHCR, 17 asylum cases were granted refugee status, and 37 cases were denied status. Court challenges to these denials continued at year's end. The appeal process was adequate, albeit slow.

During the year, 80 refugees were resettled to third countries, and the UNHCR repatriated 66 Afghans. The State Migration Service estimated that 2,500 Afghan refugees remained in the country, not including Afghans who had permanently resettled in the country.

Police officers continued to mistreat and harass the country's Afghan refugees, who resided mainly in the capital and in Khujand (see Section 1.c.). Although their treatment improved in some areas, many Afghani refugees claimed they were frequently harassed and intimidated into paying illegal registration fees, bribes, and other fines to police who falsely accused them of being affiliated with the Taliban. Despite legislation allowing Afghan refugees to resettle in the country and to obtain citizenship, to date no Afghan refugee has been granted citizenship.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully; however, the Government restricted this right in practice.

The country made little progress in its transition from a Soviet-style system to a more open and transparent society. The President, together with an inner circle of loyal supporters, continued to dominate the Government and further consolidated his hold on power.

In November 2003, a candidate of the Democratic Party of Tajikistan won a district-level by-election. In January, the President's dominant People's Democratic Party (PDP) challenged the outcome with an appeal to a district court. The appeals court overturned the lower court's decision, a ruling that local legal experts said was wrong and politically manipulated.

In June 2003, the President's power was further consolidated following a national referendum in which voters approved 56 constitutional amendments that were combined into one package.

Voters could only answer yes or no to the entire package. The OSCE and other international organization criticized the ballot as neither free nor fair. Many voters never received voting registration cards and lacked adequate information about what constitutional changes they were voting for. The most significant amendment permits the President to run for two more 7-year terms. This could allow Rahmonov to remain in office until 2020. Rahmonov has been president since 1994, and his current term in office ends in 2006. He was re-elected in 1999 in an election that was seriously flawed and was neither free nor fair.

In February 2000, the pro-Presidential PDP overwhelmingly won parliamentary elections that international observers said were neither free nor fair. The PDP controlled an overwhelming majority of seats in both houses of Parliament (Majlisi Oli). Of the total 96 seats in the bi-cameral legislature, two opposition parties, the IRP and the Communist Party, won 7 seats drawn from party lists. Twelve independent candidates also won seats. The majority party control of the PDP, combined with a lack of genuine political pluralism, resulted in a legislative branch dominated by the executive branch.

There were six legally registered political parties. However, three parties continued to be banned, the Adolatkhoj Party, the Party of Popular Unity, and the Agrarian Party—which merged with the Democratic Party. At year's end, the MOJ still refused to register The Unity Party and the PPT (see Section 2.b.). The law prohibits political parties from receiving support from religious institutions; however, political parties that are of religious character, such as the Islamic Revival Party (IRP) were registered.

Opposition political parties, including unregistered ones, remained small, had limited popular support, and were kept under close scrutiny by the Government. While they were generally able to operate, they had difficulty obtaining access to state-run media. During the year, two prominent IRP members were convicted of crimes and sentenced to long prison terms (see Section 1.e.).

In June, President Rahmonov signed into law amendments to the code on parliamentary elections. While the law included a number of positive reforms, international observers said it contained two problematic provisions. It requires candidates to pay a registration fee of approximately \$500 (1,400 somoni), which is 200 times the minimum monthly wage and could prevent opposition candidates from running in the election. The second provision does not explicitly permit civil society election observers but does allow election observers from political parties and the media.

Corruption in the country is widespread and pervasive. The Government acknowledged the problem and took steps to combat corruption, including trying officials and judges for taking bribes.

There were 12 women in the 96-seat legislature, two of whom held positions as deputy chairs, one in the lower house and one in the upper house of Parliament. Many women also served as deputy ministers in the Government, and one was a Deputy Prime Minister.

There were four members of minorities in the 96-seat legislature. Ethnic Uzbeks were represented in the Government, although not in direct policymaking roles.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses.

The Government did not block the registration of local NGOs addressing human rights, and the number of domestic human rights organizations increased during the year. According to the UNHCR, there were more than 2,000 NGOs in the country focusing on a wide variety of issues, including child welfare, civil society, mass media, and health. However, authorities at times restricted freedom of assembly and association for organizations involved in political activities. Forming and registering an NGO with the MOJ remained cumbersome and bureaucratic, and registered groups must obtain permission to hold demonstrations and protests (see Section 2.b.). However, unlike in previous years, local NGOs generally did not face governmental harassment.

Discussion at seminars sponsored by international NGOs on topics such as, the rule of law, independent judiciary, international humanitarian law, and media freedom, were frequently critical of the Government. Government officials were somewhat responsive to the views of human rights groups.

The Government permitted international NGOs to operate in the country on a regular basis. For example, the OSCE mission in Dushanbe continued to monitor human rights problems with the help of its five field offices, which experienced varying levels of cooperation with local authorities. However, during the last 2 months of the year, the Government made it increasingly difficult for some international democracy NGOs to function by delaying registration on technical grounds and denying entry visas for international staff. The ICRC maintained an office in the country under its delegation in Uzbekistan. At year's end the ICRC continued to negotiate with the MOJ to regain access to all prisons (see Section 1.c.).

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other government institutions.

In June, the Government's Commission on Fulfillment of International Rights Commitments submitted its first U.N. report. Throughout the year, it worked with international organizations to draft all required U.N. reports on human rights, including the report to the Committee on the Elimination of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women.

The Parliament's Committee on Legislation and Human Rights also monitored human rights violations; however, like the rest of the legislature, in practice it was not independent. During the year, the Committee was not very active and issued no reports.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for the rights and freedoms of every person regardless of ethnicity, race, sex, language, political persuasion, or social status; however, in practice, there was discrimination against women.

Women

Violence against women, including spousal abuse, remained a widespread problem. Most cases of domestic abuse went unreported, and cases reported to authorities were seldom investigated.

In addition, there continued to be widespread reports, particularly in rural areas, about abductions of young women who were then raped or forced to marry their abductors.

The Criminal Code prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years imprisonment; however, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases and no statistics on the number of rapists charged, prosecuted, or convicted.

During the year, many domestic and international NGOs supported women's resource centers to address the concerns of victims of rape and spousal abuse; however, government funding for such centers was extremely limited, although it had a specific committee for women's and family affairs within the office of the President. Unlike in the previous year, NGOs and some government structures discussed violence against women in the framework of the Government's reporting obligations for U.N. conventions.

Prostitution is illegal; however, in practice, prostitutes were assessed a nominal fine and released, although pimps and madams were prosecuted regularly. The law prohibits operating brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see Section 5, Trafficking).

Women were employed in government, businesses, and in institutes of higher learning. While there was no formal discrimination against women, they faced traditional societal discrimination, diminishing educational opportunities, and increasing poverty. The law provides women with equal pay for equal work with men; however, this was not always enforced in practice.

In August, the country's highest Islamic body issued a fatwa that prohibited women from praying in mosques that do not have fully separate facilities for men and women. The Government supported the fatwa but expressed concern over the separation of church and state. In November, in a nation-wide address, President Rahmonov said he would not interfere with the decision and stressed that religion should be kept out of politics. Local observers said the decree was discriminatory and a step backwards from gender equality because most mosques in the country did not have separate facilities for men and women.

The law protects women's rights in marriage and family matters; however, young girls often were pressured to marry men whom they did not choose, and polygyny, although illegal, was increasingly common among men. Inheritance laws do not discriminate against women; however, in practice, some inheritances passed disproportionately to sons. Deaths of male heads of households in connection with the country's civil war left a large number of widows, many of whom still faced societal discrimination and lived in extreme poverty.

Women increasingly played an important role in the country's civil society. Many NGOs and local groups were headed by women, who organized programs and projects on the improvement of the status of women, on human rights and on gender-related issues. A number of international organizations in the country also focused programs on improving the livelihood of women.

Children

The Government remained committed to children's rights and welfare; however, it did not devote adequate financial resources to maintain the social security network for child welfare.

Education is compulsory until age 16; however, the law was not enforced. Public education is free and universal; however, due to a lack of resources, the public school system has badly deteriorated. Girls have increasingly become marginalized in the school system, with families electing to keep them home to help take care of siblings.

Parents who could afford private education sent their children to private schools or joined together with other parents to hire teachers who gave private lessons. While most children were enrolled in school up to the mandatory secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). Approximately half of the population is under 17 years of age. With the virtual collapse of the country's public schools, some poor male students were recruited and sent to Egypt, Turkey, and Pakistan to receive a free Islamic education.

Medical care is available equally to both boys and girls. Due to poverty, however, the medical infrastructure has deteriorated since the country's independence from the Soviet Union.

In 2004, a national survey by Action Against Hunger, a European-based NGO, estimated that one child in three was malnourished. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

There were a few unconfirmed reports of violence against children, although there was no societal pattern of child abuse.

Trafficking continued to be a problem (see Section 5, Trafficking).

Child labor continued to be a problem (see Section 6.d.).

Most NGOs focused on providing resources to organizations that care for children and protect their rights. Many local NGOs started trainings and summer camps that explicitly outlined their rights under U.N. conventions.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons from and through the country was a problem. There were reports that low-level government officials facilitated trafficking.

On August 1, President Rahmonov signed a new comprehensive law to combat trafficking in persons, which addresses prevention, prosecution of traffickers, and protection of victims. Penalties for trafficking include imprisonment from 5 to 15 years and confiscation of personal property. The law also criminalizes trafficking in teenagers.

Traffickers may also be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, document fraud, and immigration violations. The penalties for these offenses range from fines to imprisonment from 5 to 20 years.

On November 4, a Dushanbe court sentenced Jahon Hilalova to 14 years imprisonment after convicting her of trafficking her adopted daughter. It was the country's first verdict under its new anti trafficking law.

Also in November, authorities began an investigation into allegations made by a credible local humanitarian and anti-trafficking NGO that there may be a trend of young boys being abducted or sold for sexual exploitation to the Gulf States, Afghanistan, and South Asia.

In May, the Government created a special division within the MOI for combating kidnapping, trafficking in persons, and racketeering. Five officers in the new division were assigned to investigate trafficking cases. The division reported that there were at least 12 criminal rings in the country involved in trafficking young girls to Gulf countries. The Government generally worked openly and cooperatively with the international community, the International Organization for Migration (IOM) and other countries to combat trafficking; however, it still has not developed a national plan to combat trafficking in persons.

In December 2003, the Dushanbe city court sentenced one trafficker to 14 years in prison and confiscated her property for trafficking. Three other trafficking trials begun in August, October, and November 2003 were still pending.

During the year, the Supreme Court continued hearing a case begun in 2003 on an 11-person criminal ring accused of trafficking in persons, including minors. The hearing was pending at year's end. In 2003, a member of the opposition IRP was implicated in a case of recruiting and trafficking children to Gulf countries and to Turkey. He was detained and released but neither tried nor punished.

The country was a source and a transit point for trafficked persons, primarily women and young girls. Trafficking within the country was also a problem. Media reports estimated that over 1,000 persons were victims of trafficking during the year. According to the MOI and to information gathered from anti-trafficking hotlines, victims came primarily from Khojand or Dushanbe and most were trafficked to Russia, Central Asia, and the Persian Gulf states, including the United Arab Emirates, Yemen, Iran, and Saudi Arabia. Other destinations included former Soviet Union countries, Turkey, Syria, and Pakistan.

The majority of trafficking victims were female Tajiks, single, aged 20 to 26. Many were new arrivals to Dushanbe or Khojand from rural areas with little formal education. Child trafficking victims usually were in the care of extended family. Ethnic minorities were over-represented among victims, particularly those of Slavic origin.

Victims commonly were recruited through false promises of employment. Advertisement of such work was conducted through social contacts; traffickers used their local status and prestige to help recruit victims. There also were cases of false wedding proposals and, on occasion, kidnappings in rural areas. Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes used forged documents to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of male and female medical professionals trafficked from the country to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included persons who rose to positions of power and wealth as field commanders--so-called warlords--during the country's civil war. Others, including women, were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community to create a network that monitored supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism took bribes from traffickers. It was also believed that certain government figures acted as patrons or protectors of individuals who were involved directly in trafficking; however, there was no indication of widespread institutional involvement in trafficking by the Government. Early in the year, authorities began criminal proceedings against several low-level government officials; however, the individuals fled the country.

There were few resources available to trafficking victims and the Government provided none; however, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

There were approximately 20 NGOs involved in anti-trafficking activities operating throughout the country. Several provided various services to trafficking victims and carried out a wide range of information programs in conjunction with local authorities throughout the country. For example, the NGO Modar in the Sughd region helped trafficking victims to find social services for abused women. The NGO Women Scientists ran a crisis center for abused women and trafficked women. The NGO Gamkhori in the southern city of Kurgan-Teppe operated a crisis center and hotline for victims of trafficking and domestic abuse.

According to an IOM survey, nearly half of trafficking victims who returned to country were blackmailed by local officials who received bribes from traffickers to force the victims to change their story or face exposure as a victim. Victims usually did not pursue legal action against traffickers due to the social stigma attached to such victims.

Local NGO programs, which worked with support from international organizations, focused on increasing awareness of trafficking. Working with local officials they conducted training and awareness seminars for the general public. The Government did not directly fund any anti-trafficking public service announcements, but it did promote such announcements as well as informational materials produced and distributed by local and international organizations.

Persons with Disabilities

The law provides for the right of persons with disabilities to employment and adequate medical care. However, in practice, the Government did not require employers to provide physical access for persons with disabilities, and a lack of resources exacerbated their high unemployment rate.

The Ministry of Labor and Social Welfare, the Government Commission on Fulfillment of International Human Rights, the Prosecutor General's office, the Society of Invalids, and appropriate local and regional governmental structures were all charged with protecting the rights of persons with disabilities.

There is no law mandating access to buildings for persons with disabilities, and the Government did not require employers to provide such access. There were group-living and medical facilities for persons with disabilities; however, funding was limited, and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities by providing vocational training and helping to rehabilitate some of the above-mentioned facilities.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions and they did so in practice.

According to official figures, approximately 90 percent of the labor force was unionized. Most unions were affiliated with the Federation of Trade Unions of Tajikistan, an independent, umbrella organization that attempted to represent all trade unions in the country. However, it was largely seen as ineffective and as an organization that generally supported government policies.

b. The Right to Organize and Bargain Collectively

The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice.

The Government sets the minimum monthly wage, and wages for government sector workers. Private employers set their own wages.

The law does not restrict the right to strike; however, there were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including of children, except in cases defined in the law; however, there were reports that such practices occurred (see Sections 5, Trafficking, and 6.d.).

Persons who formerly worked on state or collective farms were regularly compelled to pick cotton on privatized farms by their owners. However, they usually were not paid wages, and the farms no longer provided the services they once did, such as health care and education.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem, and the Government neither effectively enforced child labor laws nor instituted any initiatives to strengthen existing regulations on acceptable working conditions for children.

The minimum age for employing children is 16; however, with the concurrence of a local trade union, children may begin work at age 15. By law, children under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 may perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 worked in bazaars or sold goods on the street.

Trade unions were responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers may be brought before the Prosecutor General, who may investigate and charge the manager of the enterprise with violations of the Labor Code. However, very few violations were reported; most children worked under the family assistance exception. Enforcement of child labor laws was the responsibility of the Prosecutors Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices.

The illegal Soviet-era practice of closing secondary schools at cotton harvest time and putting students to work continued. The IOM estimated that 40 percent of the country's cotton was picked by school-aged children, and according to World Bank statistics, as many as one in eight children worked instead of attending school.

The Government does not have a comprehensive policy or national action plan to prevent or eliminate the worst forms of child labor.

e. Acceptable Conditions of Work

The official national minimum monthly wage of \$2.30 (7 somoni) did not provide a decent standard of living for a worker and family.

The wage is established by the President with the advice of the Ministry of Labor and in consultation with trade unions.

There was no official estimate of the poverty income level; however, some observers estimated that a decent earned income in the capital would be \$29 dollars per month (80 somoni) to live comfortably.

The Government acknowledged the problem of low wages and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with products produced by the enterprise, which employees either sold or bartered in local private markets.

The law provides for a standard work week of 40 hours for adults over the age of 18. The law mandates overtime payment, with the first 2 hours paid at 1.5 times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the Presidential Administration oversees other aspects of the law.

The Government has established occupational health and safety standards, but they fell far below accepted international norms, and the Government did not enforce them in practice.

The State Technical Supervision Committee under the Council of Ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment; however, this law was not enforced effectively, and few did so in practice.